

**REMARKS**

Claims 1-10 and 13 are currently pending in the application. Claims 11 and 12 are hereby cancelled. The subject matter of claims 11 and 12 are incorporated into independent claims 5 and 1, respectively. The subject matter of claims 11 and 12 has already been considered by the Examiner; therefore no new issues are raised which require a new search and/or further consideration. Entry of the Amendment is respectfully requested to place the application in condition for allowance or better form for appeal, if required. Reconsideration of the rejected claims in view of the following remarks is respectfully requested.

***35 U.S.C. §103(a) Rejection***

Claims 1-2, 5-6 and 9-13 are rejected under 35 U.S.C. §103(a) for being unpatentable over U.S. Patent No. 6,233,619B1 issued to Narisi et al. (“Narisi”). Claims 3-4 and 7-8 are rejected under 35 U.S.C. §103(a) over Narisi in view of U.S. Patent No. 5,802,278 to Isfeld, et al. (“Isfeld”). These rejections are respectfully traversed

In order to reject a claim under 35 U.S.C. §103(a), MPEP 2143, states, in part:

"To establish a *prima facie* case of obviousness,... there must be some suggestion or motivation, either in the references themselves or in knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine the reference teachings.... Finally, the prior art reference (or references when combined) must teach or suggest all of the claimed limitations."

Applicant submits that Narisi does not teach all the claimed features and, moreover, Narisi actually teaches away from the claimed features.

Claims 1 and 5 are amended to include, in part :

“wherein the inter process communication frames are transmitted and received simultaneously and include guided frames”

(Emphasis added)

Claim 13 also includes the feature of:

wherein the transmitting and receiving of said inter process communication frames occurs synchronously

Narisi does not show at least these features. Narisi is directed to a system that enables a first network application on a first system to communicate using asynchronous methods with a second system application over interconnection using native mechanisms, rather than conventional network communications such as TCP/IP. The Narisi device also provides a messaging subsystem (MSS) which provides general purpose transport interfaces between network systems via a virtual transport layer interface.

However, Narisi does not disclose or suggest at least “inter process communication frames ... transmitted and received simultaneously and include[ing] guided frames” as recited in claims 1 and 5. Similarly, Narisi does not disclose or suggest the features of claim 13, including that the transmitting and receiving of inter-process frames occur synchronously. Instead, Narisi teaches asynchronous transmitting and receiving. For example, at col. 23, line 36-43, Narisi discloses:

“...all input under QSP 76 is asynchronous – data is queued onto a list awaiting read requests to be issued from the host...” (Emphasis added)

Further, at col. 47, lines 49-51, Narisi discloses:

“The TDI-Client 98 can invoke an asynchronous receive operation, providing a buffer into which the transport copies input data.” (Emphasis added)

As shown by these passages, the Narisi inter-process communication operations are asynchronous and, as such, simultaneous transmission (such as synchronous transmissions of inter process frames) is not contemplated. This reference, in fact, teaches away from the claimed invention.

The Webster’s online dictionary defines “asynchronous” as

1 : not synchronous

Therefore, by definition, Narisi actually teaches away from simultaneous and synchronous operations. This is in contrast to the invention where simultaneous and synchronous operations are indeed contemplated. Synchronous includes such aspects as simultaneous, same phase, same timing, same period, same rate and/or related co-dependency, as one of ordinary skill in the art would recognize. This concept is simply not present in Narisi and, in fact, as shown, the opposite is disclosed.

The Examiner also asserts (in regards to claim 11) that:

“However, Narisi teaches each MSS component includes means to allow local and remote users to exchange data independent of which interconnect is being employed (col. 8, lines 27-36) and a plurality of dialogs are created for a plurality of pairs of the first and second applications (col. 9, lines 31-37). Therefore, one application can exchange data to two or more applications at the same time. ... i.e., receiving data from one application and transfer data to another application synchronously.”

However, the Examiner’s argument is not directed to inter-process frames but, rather, to higher level operations such as dialogs, which might occur “simultaneously” (as viewed

from a much higher perspective). However, these cited passages demonstrate nothing about inter-process frames occurring synchronously and/or simultaneously.

The Examiner appears to be equating high level dialogs with inter-process communications. This is an incorrect assertion since the reference point and hence the concept of “simultaneous” is considerably different. Narisi specifically teaches that the message exchange is asynchronous and, hence, teaches away from the invention’s synchronous or simultaneous concept. Further, since Narisi teaches away from synchronous messaging operations (e.g., inter-process frames), there would be no motivation to combine the system of Narisi with a system employing synchronous inter-process frame operations, along with the stackless operations and other features, as taught by the invention.

The Examiner also argues that “transmitting and receiving frames occurs synchronously is popular in the network communications.” However, Applicants submit, contrarey to this statement, that it does not appear popular to employ synchronous operations in Narisi. Hence, it follows, that it is not obvious to employ synchronous inter-process frame operations in a stackless system as taught by the invention. In any event, though, even if it was popular, assuming *arguendo*, such synchronous operations still could not be used in the Narisi operations due to the teaching of the asynchronous operations.

As to claims 9 and 10, the header information that the Examiner cites in Narisi (col.3, line 63 to col. 4, line 17; col. 18, lines 16-25; col. 24, lines 11-28 and col. 29, lines 1-25) does not disclose exchanging frame formats as in the recited claims. Rather, Narisi discloses at col. 3, line 63 to col.4 line 17 that the header provides the station identification for which the data is intended, not for exchanging formats. At col. 18, lines 16-25, no headers to exchange formats are disclosed but rather a fixed field MSS as shown in Figure 10. Also col. 24, lines 11-28, is silent as to what function this header serves in the operations. It would be mere conjecture on the Examiner’s part, and even may amount to impermissible hindsight reasoning, to suggest that this

header serves the same functions as recited in the claimed invention. To conclude otherwise can only be concluded by first reading Applicants' disclosure.

Also, at col. 29, lines 1-15, Narisi teaches a fixed format MSS (see col. 28, line 14-17). At this passage, Narisi discloses that the MSS does not have any internal data and all variables are global, hence, a fixed format structure whereby a header is not required. Further, at the Examiner's cited passage (col. 29, lines 1-15) only a pointer to a header and size are disclosed without any explanation as to what function the header serves. Therefore, there is no disclosure or suggestion that the header is for exchanging formats as required by claims 9 and 10.

Therefore, these features are not present in Narisi and the rejections should be withdrawn.

Also, it is submitted in any event, that Isfeld is directed to a high performance scalable networking bridge/router system for interconnecting a plurality of networks including an internet protocol. Isfeld does not supply the missing features of Narisi. Thus, this reference would not be applicable to any rejection of the independent claims.

Applicants thus requests the withdrawal of the §103(a) rejection of these claims.

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## CONCLUSION

In view of the foregoing amendments and remarks, Applicants submit that all of the claims are patentably distinct from the prior art of record and are in condition for allowance, or in better form for appeal. The Examiner is respectfully requested to pass the above application to issue. The Examiner is invited to contact the undersigned at the telephone number listed below, if needed. Applicant hereby makes a written conditional petition for extension of time, if required. Please charge any deficiencies in fees and credit any overpayment of fees to IBM's Deposit Account No. 50-0563.

Respectfully submitted,



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